

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

RECEIVED
CENTRAL FAX CENTER

MAY 11 2005

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.

May 11, 2005

FACSIMILE COVER SHEET

To:

Examiner Chun Cao
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/809,408
Filed: March 15, 2001
Allowed: May 3, 2005
Applicant: Jennifer Anne Dervin et al.
Art Unit: 2115
Confirmation No.: 3577
Our Ref: IBM/181

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile
Transmission (1 page)
Transmittal containing Certificate of Facsimile
Transmission (2 pages)
Amendment After Allowance Under
37 C.F.R. 1.312 containing Certificate of
Facsimile Transmission (12 pages)
Copy of Form 1449 filed October 8, 2004 (1 page)

Pages: 16 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (16 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Chun Cao, Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on May 11, 2005.

Judith L. Volk
Judith L. Volk

May 11, 2005
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

PATENT

Att'y Docket No. IBM/181/124
Confirmation No. 3577

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (16 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Chun Cao, Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on May 11, 2005.

Judith L. Volk
Judith L. Volk

May 11, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jennifer Anne Dervin et al. Art Unit: 2115
Serial No.: 09/809,408 Examiner: Chun Cao
Filed: March 15, 2001 Atty. Docket No.: IBM/181
Allowed: May 3, 2005
For: AUTOMATED NODE RESTART IN CLUSTERED COMPUTER SYSTEM

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	35	minus	38	0	\$50	\$0.00
Independent Claims	10	minus	11	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2
Serial No. 09/809,408
Transmittal for 312 Amendment of May 11, 2005
IBM Docket: ROC920000313US1
WH&E IBM/181

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$

Method of Payment:

Check enclosed in the amount of \$

If an additional extension of time is required, please consider this a petition therefor.

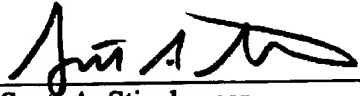
(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


Scott A. Stinebruner
Reg. No. 38,323

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
Telephone: (513) 241-2324
Facsimile: (513) 241-6234

Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)
Transmittal containing Certificate of Facsimile Transmission (2 pages)
Amendment After Allowance Under 37 C.F.R. 1.312 (12 pages)
Copy of Form 1449 filed October 8, 2004 (1 page)